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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,218	11/17/2003	Andrew Szabo	SZABO 213.1	4440

7590 08/09/2005

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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,218

Applicant(s)

SZABO ET AL.

Examiner

Joseph P. Hirt

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-18 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-18 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date A1.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

RD

**DETAILED ACTION**

1. Claims 1, 3-18 and 24-26 are pending in this application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "insufficient" is a relative term and renders the claim indefinite. Further, the concept of "insufficient" is a negative term and creates uncertain boundaries concerning the claim (MPEP 2173.05(i)).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-18 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Esakov et al (U.S. Pub 2002/0013834, referred to as Esakov).

**Claim 1**

Esakov anticipates (a) automatically logging a history of object browsing, using a browser, comprising at least logging a path information necessary to define a path dependent object state, wherein a uniform resource locator is insufficient to define said path dependent object state (**Esakov**, p 0056, 0098, 0099: Examiner's Note (EN): para 9. applies; since this claim is indefinite due to the use of the relative term "insufficient", the term has been set aside in the evaluation of this claim); (b) representing a path defining a path dependent object state as a display element (**Esakov**, Fig. 13); and (c) displaying, in conjunction with the browser, a set of display elements, wherein a selection of a display element in the browser recalls the path dependent object state represented thereby (**Esakov**, Fig. 13).

**Claim 3**

Esakov anticipates at least one component of the path dependent object state is defined by execution of a script (**Esakov**, p 0054; EN: script is merely software providing direction to a specific aps).

**Claim 4**

Esakov anticipates logging means is conducted local to and distinct from the browser (**Esakov**, Fig 1B; EN: such is the tracking daemon).

**Claim 5**

Esakov anticipates logging means is conducted remote from the object browser (Esakov, Fig 1B; EN: such is the tracking system).

**Claim 6**

Esakov anticipates displaying step is controlled by an applet supported by the browser (Esakov, p 0049; p 0100; Fig. 30).

**Claim 7**

Esakov anticipates displaying step displays a set of display elements arrayed chronologically, each display element comprising at least one hyperlink to an associated set of path dependent object state information (Esakov, p 0054 - p 0056; p 0098; Fig. 4).

**Claim 8**

Esakov anticipates display element comprises a duration of browsing of a respective object (Esakov, p 0054 - p 0056; p 0098; Fig. 4; EN: such as shown in Fig. 4).

**Claim 9**

Esakov anticipates means for automatically storing a history of browser use to define objects by a user, at least a portion of said objects having defining states which are path dependent (Esakov, p 0054 - p 0056); means for editing, by the user, the stored history (Esakov, p 0085); and means for display of the history as at least one display hyperlink, at least one of said display hyperlinks representing a set of plural user actions which together define a path dependent object state (Esakov, p 0054 - p 0057).

**Claim 10**

Esakov anticipates display hyperlinks to the referenced objects to allow arbitrary selection of an object (**Esakov**, p 0055 - p 0056; p 0098; Fig. 4).

**Claim 11**

Esakov anticipates display hyperlinks to the referenced objects to allow arbitrary selection of a historical state (**Esakov**, p 0055 - p 0056; p 0098; Fig. 4).

**Claims 12, 14**

Esakov anticipates graphic representations of the referenced objects are arrayed chronologically (**Esakov**, p 0055 - p 0056; p 0098; Fig. 4; EN: a chronological order is an hierarchal array).

**Claim 13**

Esakov anticipates a graphic representation for a respective referenced object includes a hyperlink to the referenced object and at least one automatically generated hyperlink relating to, but distinct from the hyperlink to the referenced object (**Esakov**, p 0055 - p 0056; p 0098; Fig. 4; Fig. 1B).

**Claim 15**

Esakov anticipates graphic representations of the referenced objects display include importance-weighting information (**Esakov**, p 0112; p 0113; EN: such are notes).

**Claim 16**

Esakov anticipates the storing means comprises a software construct executing locally to the user (**Esakov**, p 0054 - p 0057; p 0098; Fig. 4; Fig. 1B).

**Claim 17**

Esakov anticipates the storing means comprises a software construct executing remotely from the user (**Esakov**, p 0054 - p 0057; p 0098; Fig. 4; Fig. 1B; EN: such is the tracking system).

**Claim 18**

Esakov anticipates the history display means displays commercial information supplemental to the stored history of object references by the user, said commercial information being displayed association with a commercial subsidy (**Esakov**, p 0054 - p 0057; EN: internet search engines and web sites generally have commercial subsidy means and with such web site, such information is associated which is confirmed by the applicant in the specification, @ p 6, l 3 – 5 and such information would be displayed by the web site since such information was available under a subsidy).

**Claim 24**

Esakov anticipates automatically storing a history of browser use, comprising path information defining a state of at least one path dependent object, said state dependent object having a universal resource locator which is insufficient to define said path dependent object (**Esakov**, p 0056, 0098, 0099: Examiner's Note (EN): para 9. applies; since this claim is indefinite due to the use of the relative term "insufficient", the term has been set aside in the evaluation of this claim); displaying the history of browser use as a set of graphical representations, at least one graphical representation being associated with path information defining the defining path of the path dependent object (**Esakov**, p 0098; Fig. 4); receiving a selection of a graphical representation

representing the path dependent object from a user (**Esakov**, p 0098; Fig. 4); and automatically generating a sequence of states to define the path dependent object (**Esakov**, p 0098; Fig. 4; EN: such is the graphical display).

**Claim 25**

Esakov anticipates displaying step displays graphical representations representing supplemental objects not browsed by a user, said supplemental objects being selected by an entity other than the user (**Esakov**, p 0104; EN: User selects a field of search which would contain fields not browsed by the user since the user has not yet initiated the search and such objects would have been selected by the computer entity).

**Claim 26**

Esakov anticipates said displaying step displays graphical representations of commercial subsidy elements, not browsed by a user, said commercial subsidy objects being associated with a commercial subsidy (**Esakov**, p 0054 - p 0057; EN: internet search engines and web sites generally have commercial subsidy means and with such web site, such information is associated which is confirmed by the applicant in the specification, @ p 6, l 3 – 5 and such information would be displayed by the web site since such information was available under a subsidy ... comes with the web site).



***Examination Considerations***

6. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

7. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

8. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art; establishing thereby an inherent prima facie statement.

9. Examiner's Opinion: Paras 6 – 8 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

10. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- Lopez et al, U.S. Pub 2002/0152228
- Miloslavsky, U.S. Pub 2002/0001300
- Hawkins, U.S. Pub 2001/00322254
- Koppolu et al, U.S. Pub 2001/0020243
- Miloslavsky et al, U.S. Patent 6,879,586
- Rubin et al, U.S. Patent 6,820,111

11. Claims 1, 3-18 and 24-26 are rejected.

### ***Correspondence Information***

12. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (571) 272-3687.

Any response to this office action should be mailed to:

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Hand delivered to:

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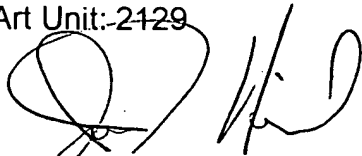
(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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A handwritten signature in black ink, appearing to read 'J. P. Hirl', written over the printed name.

Joseph P. Hirl  
Primary Examiner  
July 19, 2005